

**BEFORE THE UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Texas Eastern Transmission, LP) NJ-NY Expansion Project
Algonquin Gas Transmission, LLC) Docket No. CP11-56

**MOTION OF JERSEY CITY TO INTERVENE IN OPPOSITION
AND FOR THIRTY-DAY EXTENSION OF TIME TO FILE
COMMENTS**

On January 5, 2011, the Commission published notice of a joint application filed by Texas Eastern Transmission LP and Algonquin Gas Transmission , LLC (collectively, Spectra) pursuant to sections 7(b) and 7(c) of the Natural Gas Act, for a certificate for a proposed interstate gas pipeline and associated facilities known as the New Jersey-New York Expansion Project. For the reasons discussed herein, Jersey City (the City) moves to timely intervene in this proceeding pursuant to Rule 214, 18 C.F.R. § 385.214.

In addition, pursuant to Rule 2008, 18 C.F.R. § 385.2008, the City requests an extension of time of thirty days, or until February 25, 2011 to submit more extensive and detailed comments. The original time frame of three weeks to file comments is entirely inadequate particularly because the City has not yet received all of the application materials. Moreover, Spectra indicated in its application that it would not oppose a reasonable extension of time for comments.

In support of this motion to intervene and for an extension of time, the City states as follows:

I. Communications Information

Please enter the individuals below on the official service list for Docket No. CP11-56. All pleadings, filings and correspondence in this proceeding should be served on the following:

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II. Description of Jersey City

Jersey City, New Jersey (City) lies along the Hudson River in Hudson County, New Jersey, across from lower Manhattan. Jersey City has a population of more than 240,000, making it New Jersey's second largest city. Jerramiah Healy serves as Jersey City's Mayor.

Jersey City is enjoying continued economic growth and revitalization. Over the past decade, Fortune 500 companies such as Chase Manhattan Bank, Merrill Lynch, Charles Schwab and others have located in Jersey City, primarily

in the city's downtown financial district known as Wall Street West, and the development of residential, commercial and office properties has surged. In addition to being a residential and transportation hub, Jersey City is also an employment center, with our population more than doubling during the weekday work hours of 9 a.m. to 5 p.m. Jersey City is also home to academic and cultural institutions, and diverse, vibrant urban neighborhoods. The City is also the site of important transportation infrastructure, including PATH Train Service to New York and Newark, NY/NJ Waterway, the NJ Turnpike and the Hudson Bergen Light Rail system, as well as major highways which allow for convenient access to New York and other parts of the state and which serve as emergency evacuation routes for the entire New York metropolitan area.

In the wake of 9/11, many of the City's transit systems have been classified as critical Tier 1 and Tier 2 Homeland Security infrastructure because of their vulnerability to terrorist attack. Likewise, Jersey City has been designated by the United States Department of Homeland Security as one of seven Tier 1 urban regions considered to be at the highest risk of terrorist activity under the Urban Areas Security Initiative (UASI). In fact, the City of Jersey City has been the recipient of more than \$12 million in federal homeland security funding since the tragic Sept. 11, 2001 terror attacks, due in large part to our critical location and population density. Yet, the Application does not address the implications of locating a pipeline in close proximity to these high risk areas.

III. Basis for Intervention

A. Interest in the Proceeding

The proposed NJ-NY Expansion project will directly and adversely impact Jersey City. A six and a half mile segment of the proposed pipeline will bisect the City, traversing some of its most densely populated and historic areas and running close to critical Tier 1 Homeland Security-designated infrastructure as well as public parks, schools, hospitals, industrial parks and global financial institutions. Moreover, the project will be located four blocks or less from twenty five planned residential and commercial areas {resource Report 8, Table 8D}, jeopardizing the City's plans for continued economic growth.

The project will also endanger the safety and health of the City's businesses and more than 240,000 residents. A pipeline breach, whether caused by intentional terrorist action or sheer accident, will have devastating consequences given the pipeline's close proximity to population centers. Construction of the pipeline will require excavation of thirty contaminated sites {Application, Appendix D, Excavation Management Plan} which increases the risk of human exposure. The project's metering station, one of which will be located in downtown Jersey City, will emit pollutants and foul air quality. Finally, as discussed in the Jersey City Municipal Utilities Authority (JCMUA) Motion to Intervene, construction of the proposed pipeline may damage or potentially contaminate the City's extensive sewage and water systems.

Intervention is necessary to enable the City to protect its economic vitality and to safeguard the well-being of the community. The City's interests are not, and cannot be adequately represented by any other party in the proceeding. Accordingly, the City's intervention and full participation is the public interest.

B. Jersey City's Position

By letter dated December 21, 2010, the City expressed vigorous opposition to the pipeline and continues to do so here. As the City stated in its letter, the safety issues that this pipeline present coupled with the fact that the proposed pipeline will turn back the clock on the revitalization that the City has worked so hard to achieve, raise serious concerns. Moreover, notwithstanding that the City will absorb a disproportionate share of the impacts associated with the construction and continued operation of the proposed project, while not receiving any corresponding benefits. The project's primary and immediate purpose is to deliver gas to Consolidated Edison's New York customers. Service to New Jersey customers was not contemplated in the original pre-filing materials, and is entirely speculative. Because the project's burdens on Jersey City do not match its benefits, the project is inconsistent with the public interest.

IV. Motion for Thirty Day Extension of Time

The City seeks a thirty day extension of time, or until February 25, 2011 to file comments on the application. Under Rule 2008, 18 C.F.R. § 385.214, the Commission may grant an extension of time for good cause shown. Good cause exists here.

First, three weeks is entirely inadequate to allow meaningful comment on Spectra's voluminous application, which is roughly two thousand pages and comprised of complex maps, and descriptions, many of which have been changed from the pre-filing materials. Even though the City participated extensively in the pre-filing process, it must now go through the application again to determine whether Spectra addressed the City's concerns. Given the size of the application and the busy schedules of our limited City staff, reviewing the application within three weeks and preparing comments is simply not feasible.

Moreover, the City does not even have the benefit of three full weeks to review the application because of Spectra's delays. Although Spectra filed its application at the Commission on December 21, it did not deliver the application to the City until December 28, 2010, sandwiched between Christmas and New Year's when many staff members are on vacation. The City did not receive electronic, CD versions of the application until January 7, 2011, two days into the comment period. And as of the date of this motion, nearly a week after the notice, the City still has yet to receive numerous studies and drawings which were omitted from the application materials. The City cannot file comments until it has an opportunity to review the entire application, and indeed, due process requires that the City have access to all of the application materials provided to the Commission.

Good cause exists for an extension of time, and due process demands it. To its credit, Spectra indicated in its application that it would not oppose requests for a reasonable extension of time. In view of the circumstances described, thirty days is a reasonable request.

V. Conclusion

Based upon the foregoing, Jersey City asks the Commission to GRANT this motion to intervene, with full rights as a party and GRANT an extension of time of thirty days or until February 25, 2011 for filing comments in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Healy", is written over a horizontal line.

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Dated January 11, 2011
Washington DC